

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 and 26-34 are pending in the application, with claims 1, 6, 10, 16, 26, and 29-31 being the independent claims. Claims 1, 6, 10, 16, 26, and 29-31 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-5**

The Examiner has rejected claims 1-5 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,292,895 to Baltzley ("Baltzley") in view of U.S. Patent No. 5,923,754 to Angelo et al. ("Angelo") and U.S. Patent No. 6,603,857 to Batten-Carew et al. ("Batten-Carew") and further in view of U.S. Patent No. 5,495,533 to Linehan et al. ("Linehan"). Applicant respectfully traverses this rejection.

Claim 1 recites, *inter alia*, "wherein the header comprising the document key and the access rules was previously encrypted by the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time." The combination of Baltzley, Angelo, Batten-Carew, and Linehan does not teach or suggest the encryption "by the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time" of a "header comprising the document key *and the access rules*"

(where the access rules are “configured to further protect the document key”), as recited in claim 1. Support for this amendment is found, *inter alia*, at paragraph [0065] of U.S. Patent Application Publication No. 2005/0071657 (“Published Application”) (“at least one of the keys 730 is encrypted *in conjunction with* the access rules 729”).

Specifically, the Examiner relies on Baltzley to allegedly teach directly encrypting an electronic file using a public key (held in a key store). (Office Action, p. 3). The Examiner then relies on Angelo to allegedly teach hybrid encryption by encrypting a message using a document key and then encrypting the document key using a public key. (Office Action, p. 3). The Examiner further relies on Batten-Carew to allegedly teach a controlled release of time-sensitive information, such as the key of Angelo. (Office Action, p. 4). Finally, the Examiner relies on Linehan to allegedly teach access rules in a header to further protect a document key. (Office Action, p. 5).

However, even assuming *arguendo* that the hybrid encryption methodology of Angelo teaches encrypting an entire header, in which a document key is located, using a public key, the combination of the foregoing references does not teach or suggest such encryption to a header that *also contains* access rules “configured to further protect the document key,” as recited in claim 1. In particular, Linehan at col. 9, ll. 42-58 *is needs* to apply the alleged “access rules” in the header (both the alleged interpretation #1 “control key index number” and interpretation #2 “access control list”, see Office Action, p. 5) *prior to decryption*. (Linehan, 9:54-56, “[i]f the name is found, *then* the Personal Key Server *decrypts the file encryption key*.”).

As a result, encrypting the access rules together with the document key which they protect is incompatible with the teachings of Baltzley, Angelo, Batten-Carew, and Linehan, taken either alone or in combination with each other.

Accordingly, claim 1 is not rendered obvious by the combination of Baltzley, Angelo, Batten-Carew, and Linehan. Claims 2-5 depend from claim 1, and are likewise not rendered obvious by the combination of Baltzley, Angelo, Batten-Carew, and Linehan for at least the same reasons as claim 1, and further in view of their own respective features.

For at least the aforementioned reasons, the Office Action fails to establish a *prima facie* case of obviousness of claims 1-5. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 1-5 under 35 U.S.C. § 103(a).

**Claims 6-22 and 26-31**

The Examiner has rejected claims 6-22 and 26-31 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Pat. No. 6,892,306 to En-Seung et al. ("En-Seung") in view of Batten-Carew and further in view of Linehan. Applicant respectfully traverses this rejection.

Independent claims 6, 26, and 29 recite analogous features to claim 1, above, with regard to encryption of a header comprising both the document key and the access rules. (i.e., **claim 6**: "securing the header portion of the electronic document, comprising the document key and the access rules, through the use of a time-based access key"; **claim 26**: "computer program code configured to secure the header portion of the electronic document, comprising the document key and the access rules, through the use of a time-based access key"; and **claim 29**: "securing the header portion of the electronic document, comprising the document key and the access rules, through the use of a time-

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based access key.”). Similarly, claims 10, 16, 30, and 31 recite features relating to encryption of the document key in conjunction with the access rules. (i.e., **claim 10**: “encrypting the document key in conjunction with the access rules using the time-based access key to produce an encrypted document key”; **claim 16**: “decrypting the document key and the access rules using the time-based access key, access to the document key being subject to protection by the access rules”; **claim 30**: “encrypt the document key in conjunction with the access rules using the time-based access key to produce an encrypted document key”; and **claim 31**: “decrypt a document key and access rules in a header portion using the time-based access key, access to the document key subject to protection by access rules in the header portion”).

Independent claims 6, 10, 16, 29, 30, and 31 are therefore allowable over the combination of Batten-Carew and Linehan for similar reasons as claim 1, based on the analogous features found in these claims as described above. En-Seung does not supply the missing teaching or suggestion. In particular, although the Examiner relies on En-Seung as allegedly teaching or suggesting encrypting a header portion that contains a document key, the combination of En-Seung, Batten-Carew, and Linehan does not teach or suggest encrypting the access rules in conjunction with the document key (and would not be technically feasible to do so, based on the requirements of the Linehan disclosure, as discussed above with regard to claim 1).

Claims 7-9 depend from claim 6, claims 11-15 depend from claim 10, claims 17-22 depend from claim 16, and claims 27 and 28 depend from claim 26, and are also not rendered obvious by the combination for at least the same reasons as claims 6, 10, 16, and 26, and further in view of their own respective features.

For at least the aforementioned reasons, the Office Action fails to establish a *prima facie* case of obviousness of claims 6-22 and 26-31. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 6-22 and 26-31 under 35 U.S.C. § 103(a).

**Claims 6-9 and 26-29**

The Examiner has rejected claims 6-9 and 26-29 under 35 U.S.C. § 103(a) as allegedly being obvious over En-Seung in view of Batten-Carew and Linehan and further in view of U.S. Patent No. 6,851,050 to Singhal et al. ("Singhal"). Applicant respectfully traverses this rejection.

For the reasons discussed above, independent claims 6, 26, and 29 recite analogous features to claim 1, above, with regard to encryption of a header comprising both the document key and the access rules, and are therefore allowable over the combination of En-Seung, Batten-Carew, and Linehan. Singhal does not supply the missing teaching or suggestion. In particular, the Examiner relies on Singhal as allegedly teaching "a condition where prior to generating a key, system check (sic) to see the key is already generated and only generates a new key if one does not exist." (Office Action, p. 19). As a result, claims 6, 26, 29 are allowable over the combination of En-Seung, Batten-Carew, Linehan, and Singhal.

Claims 7-9 depend from claim 6, and claims 27 and 28 depend from claim 26, and are also not rendered obvious by the combination for at least the same reasons as claims 6 and 26, and further in view of their own respective features.

For at least the aforementioned reasons, the Office Action fails to establish a *prima facie* case of obviousness of claims 6-9 and 26-29. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 6-9 and 26-29 under 35 U.S.C. § 103(a).

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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